



Comptroller General
of the United States
Washington, D.C. 20548

P. Jordan

145118

Decision

Matter of: Stone Forest Industries Inc.
File: B-246141
Date: October 21, 1991

Kevin W. Cain for the protester,
Paul E. Jordan, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Allegation that awardee failed to complete small business status certificate and related block on its timber sale bid prior to bid opening does not affect bid responsiveness and fails to establish a basis for protest.

DECISION

Stone Forest Industries Inc. (SFI) protests the award of a contract to Mel Hurd Logging (MHL) for the Laguna Seca Timber Sale conducted by the Forest Service, Department of Agriculture. SFI contends that MHL's bid was not responsive because MHL did not include a signed certificate of small business status with its bid and did not complete a solicitation block pertaining to its status as a manufacturer or nonmanufacturer.

The protest, as filed with our Office, does not establish a basis for challenging the agency's action and, accordingly, must be dismissed.

The jurisdiction of our Office is established by the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (1988). Our role in resolving bid protests is to ensure that the statutory requirements for full and open competition are met. Brown Assocs. Management Servs., Inc.--Recon., B-235906.3, Mar. 16, 1990, 90-1 CPD ¶ 299.

To achieve this end, our Bid Protest Regulations require that a protest include a detailed statement of the legal and factual grounds of a protest, 4 C.F.R. § 21.1(c)(4) (1991), and that the grounds stated be legally sufficient. 4 C.F.R. § 21.1(e). These requirements contemplate that protesters will provide, at a minimum, either allegations or evidence sufficient, if uncontradicted, to establish the likelihood

that the protester will prevail in its claim of improper agency action. Robert Wall Edge--Recon., B-234469.2, Mar. 30, 1989, 68 Comp. Gen. _____, 89-1 CPD ¶ 335.

The questions of whether MHL is a small business for purposes of the timber sale, and whether it is a manufacturer, relate solely to the firm's status and eligibility for award, not to the firm's commitment to provide the required service. Accordingly, the failure to complete the certificate or check the block prior to bid opening does not affect the responsiveness of the bid. See Jimmy's Appliance, 61 Comp. Gen. 444 (1982), 82-1 CPD ¶ 542.

Since this protest does not provide any factual information which suggests that the agency violated applicable procurement laws or regulations, it is dismissed without further action.



Paul I. Lieberman
Assistant General Counsel